

Application No.: 10/771,566

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Docket No.: 245402008300

REMARKS

Claims 1 and 3-6 were pending in the present application. Claims 5 and 6 were withdrawn from consideration. By virtue of this response, claims 3-4 have been cancelled and claim 1 has been amended. Accordingly, claim 1 is currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. The amendment to claim 1 is fully supported by the claims as originally presented. Accordingly, no new matter has been added.

Rejections under 35 U.S.C. §102(e)

Claims 1 and 4 stand rejected as being allegedly anticipated by Huang et al., U.S. Patent No. 6,693,352 (hereinafter, "Huang").

In order for a reference to anticipate a claim it must teach or suggest every limitation of the claim. Claim 1 has been amended to include that the metal of said metal oxide includes at least one of lanthanum (La), cerium (Ce), praseodymium (Pr), neodymium (Nd), promethium (Pm), samarium (Sm), europium (Eu), gadolinium (Gd), terbium (Tb), dysprosium (Dy), holmium (Ho), erbium (Er), thulium (Tm), ytterbium (Yb), and lutetium (Lu). In contrast, Huang discloses that the metal oxide layer, (Fig. 7, 37A), "is made from at least one of Indium-Tin-Oxide (ITO), Indium Oxide (In_2O_3), Tin-Oxide (SnO_2), and Zinc Oxide (ZnO) ..." (Col. 5, lines 29-33) and fails to teach or even suggest that the metal of said metal oxide includes one of the metals disclosed in currently amended claim 1. Accordingly the rejection should be withdrawn.

Rejections under 35 U.S.C. §103(a)

Claim 3 stands rejected as allegedly being unpatentable over Huang et al. in view of Steckl et al.

Claim 3 has been canceled, and thus the rejection is moot.

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CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 245402008300. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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